



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

**1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

JAN 03 2017

Mr. Harvey Senger  
Hampton Parkway LLC  
76 Stonewall Road  
Weyers Cave, VA 24486

RE: Notice of Violation and Request for Information, Docket No. SDWA-003-2017-001-VS  
Fieldcrest Manufactured Home Community, Southampton County, Virginia  
PWS ID No. VA3175800

Dear Mr. Senger:

The following Notice of Violation is issued pursuant to Sections 1414(a) and 1445 of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-3(a) and 300j-4(a), and is a coordinated effort with the Commonwealth of Virginia Department of Health (VDH). According to our records and information received from VDH, your public water system has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, the National Primary Drinking Water Regulations (NPDWR) found at 40 Code of Federal Regulations (CFR) Part 141.

**NOTICE OF VIOLATION**

**FINDINGS**

Based on information we possess:

1. Hampton Parkway LLC (Respondent) is the owner/operator of the Fieldcrest Manufactured Home Community (MHC) public water system (PWS), PWS Identification Number VA3175800 (System). Respondent is a "person" as defined by Section 1401 (12) of the SDWA and 40 C.F.R. § 141.2.
2. The System serves a population of at least twenty-five (25) persons daily with piped water for human consumption for a minimum of sixty (60) days per year, or has at least fifteen (15) service connections. Fieldcrest MHC has at least one community water system that reports serving approximately 130 persons.

3. The System received a Notice of Significant Deficiencies and a Corrective Action Plan (CAP) on May 10, 2013 (enclosed). The CAP provided a schedule to address eight significant deficiencies. According to VDH, one remaining significant deficiency have not been addressed.
4. On August 15, 2016, VDH issued an updated CAP to address the remaining three significant deficiencies. Within 90 days of receiving the CAP, the System was among other things, directed to address the remaining significant deficiency by:
  - a) Inspecting the pressure vessel in order to obtain a safety certification from the Virginia Department of Labor and Industry. A copy of the safety certificate is to be posted inside the associated well house.
5. The System failed to complete the CAP to correct the significant deficiencies within 90 days of receiving written notification from VDH of the significant deficiencies as required by 40 CFR § 141.404(a).
6. Respondent failed to notify persons who are served by the System, as required by 40 C.F.R. § 141.204, within 30 days of learning of the following violations:
  - a) Failure to meet the Maximum Contaminant Level for total coliform in June 2011.
  - b) Failure to address significant deficiencies identified in the May 10, 2013 Notice of Significant Deficiencies issued by VDH.
7. Respondent failed to notify persons who are served by the System, as required by 40 C.F.R. § 141.204, within one year of learning of the following violations:
  - a) Failure to conduct repeat monitoring for total coliform in August 2015.
  - b) Failure to conduct triggered source water monitoring for *E. coli* within 24 hours of being notified of a total coliform positive sample.

**The Environmental Protection Agency ("EPA") is available to provide advice and technical assistance to help address the above FINDINGS. Please contact Mr. Kevin Rowsey at 215-814-5463, if you want to request such advice or assistance.**

This Notice of Violation is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g -3(a). After thirty (30) days from the date of this notice, EPA is authorized either to issue an Administrative Order under Section 1414(g) requiring the public water system to comply, or to commence a civil action under Section 1414(b). Violations of the SDWA and the regulations are subject to penalties of up to \$37,500 per day of violation.

### **REQUEST FOR INFORMATION**

Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a), authorizes EPA to require owners and operators of public water systems to provide information as may be necessary to carry out the purposes of the SDWA.

Pursuant to Section 1445(a) of the SDWA, Respondent is required to provide EPA with the following information. This requirement to submit information is mandatory. Compliance



with this requirement does not relieve Respondent of any liability for violations of the SDWA. Respondent may be subject to civil and criminal sanctions if it provides misleading or false information or fails to provide the requested information. Information which Respondent provides may be used by EPA in administrative, civil or criminal proceedings.

You may, if desired, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein, it may be made available to the public by EPA without further notice to you. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).

The instructions for responding to the inquiries are as follows:

- a. A separate narrative response must be made for each question set forth below, and for any subpart of each question.
- b. Label each response with the corresponding number of the question and any subpart to which it responds.

Accordingly, pursuant to Section 1445(a) of the SDWA, Respondent is directed to provide EPA the following information.

1. Name and street address of the owner or owners of the System. If this is a corporation, provide the names, titles, and addresses of officers. Do not provide a post office box.
2. Name and street address of the operator or operators of the System, and state certification number, if applicable. Do not provide a post office box. If this is a corporation, provide the names, titles, and addresses of officers.
3. The street address of the System, or, if no street address is possible, the physical location of the System. Do not provide a post office box.
4. Number of persons served drinking water by the System per day on average.
5. Number of service connections to the System.
6. State whether the System is operated year-round. If the System is not operated year-round, state the number of days in operation.
7. Any existing plans to address significant deficiencies or documentation indicating corrective action has been completed.
8. A copy of the most recently performed sanitary survey for the System.

9. Copies of any public notifications posted or provided to water users, regarding the failure to correct significant deficiencies.

Your response to this Notice of Violation and Request for Information shall be in writing. Your response is due within thirty (30) days of receipt of this Notice of Violation and Request for Information. You should submit your response to:

Mr. Kevin Rowsey  
Ground Water and Enforcement Branch (3WP22)  
United States Environmental Protection Agency  
1650 Arch Street  
Philadelphia, Pennsylvania 19103  
rowsey.kevin@epa.gov

and

Mr. Daniel B. Horne  
Southeast Virginia Field Office  
Office of Drinking Water  
Virginia Department of Health  
830 Southampton Avenue, Room 2058  
Norfolk, Virginia 23510  
Daniel.Horne@vdh.virginia.gov

If you have any questions, please call **Kevin Rowsey** at **215-814-5463**.

EPA has determined that your System may be a "small business" under the Small Business Regulatory Enforcement Fairness Act (SBREFA). The enclosed document entitled "Information for Small Businesses" provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Sincerely,



James C. Bennett Jr., Acting Chief  
Ground Water and Enforcement Branch

Enclosures:

Notice of Significant Deficiencies dated May 10, 2013 issued by VDH

cc: Mr. Daniel Horne, VDH – Southeast Virginia Field Office  
Mr. Robert Payne, VDH – Central Office  
Mr. Dixon Tucker, VDH – Southeast Virginia Field Office







# COMMONWEALTH of VIRGINIA

Cynthia C. Romero, MD, FAAFP  
State Health Commissioner

John J. Aulbach II, PE  
Director, Office of Drinking Water

DEPARTMENT OF HEALTH  
**OFFICE OF DRINKING WATER**  
Southeast Virginia Field Office

830 Southampton Avenue  
Suite 2058  
Norfolk, VA 23510  
Phone (757) 683-2000  
Fax (757) 683-2007

MAY 10 2013

**NOTICE OF SIGNIFICANT DEFICIENCIES**

Mr. Harvey Senger  
Hampton Parkway LLC  
76 Stonewall Road  
Weyers Cave, Virginia 24486

**SUBJECT:** Southampton County  
Water- Fieldcrest MHC  
PWSID No. 3175800

Dear Mr. Harvey Senger:

On March 28, 2013, Tony Dongarra and Kebede Feleke, of this office, and I conducted a sanitary survey of your waterworks. Enclosed is a copy of the report developed as a result of that survey.

The following Significant Deficiencies were identified during this inspection:

**Administrative Deficiencies:**

1. Failure to submit a Cross Connection Control Plan (CCCP)
2. Failure to submit a Bacteriological Sample Siting Report / Triggered Source Water Monitoring Plan (BSSR/TSWMP).
3. Failure to submit a Waterworks Business Operation Plan (WWBOP).
4. Failure to certify that an Emergency Management Plan (EMP) is in place for extended power outages.

**Material Deficiencies:**

1. Unauthorized connection of an unapproved source (well #3).
2. Casing vent is not properly affixed to the well.
3. Hydropneumatic tank is waterlogged causing unstable system pressure.
4. Failure to inspect the pressure vessel.

Enclosed is a proposed Corrective Action Plan (CAP) for your review; please sign and return if acceptable. If you wish to make changes to the CAP please contact this Office immediately. The final, signed CAP must be submitted to this Office within 30 days of the date of this letter for review and approval. You are required to notify this Office within 30 days of completion of each item. The CAP must be fully implemented within 120 calendar days from the date of this letter. Once all the actions listed in the CAP have been completed, this Office will conduct a follow-up inspection to verify elimination of each Significant Deficiency in accordance with the CAP.

Your failure to respond as requested by the above deadlines may force VDH to pursue enforcement action in order to protect public health.

**VDH** VIRGINIA  
DEPARTMENT  
OF HEALTH  
Protecting You and Your Environment  
WWW.VDH.VIRGINIA.GOV

Mr. Harvey Senger

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MAY 10 2013

**SUBJECT:** Southampton County  
**Water** - Fieldcrest MHC  
**PWSID** No.3175800

Please visit our web site at [www.vdh.virginia.gov/drinkingwater](http://www.vdh.virginia.gov/drinkingwater). There you will find helpful information on water sampling and testing, operator licensing and training, consumer education, project funding and many other topics, as well as, links to other key websites and Virginia's *Waterworks Regulations*. If you have questions, please do not hesitate to contact me.

Sincerely,

*RSN*

Reneé S. Hall  
District Engineer

*DCB*  
TD/RSN/bjm

Enclosure(s)

pc: Mr. J. J. Hogan, (Designated Operator in Charge)  
Dr. Nancy Welch, Acting Director, Southampton County Health Department  
Mr. Michael Johnson, County Administrator, Southampton County  
V.D.H. - Office of Drinking Water, Central Office, Technical Services  
V.D.H. - Office of Drinking Water, Legal Affairs



CORRECTIVE ACTION PLAN  
*Fieldcrest Manufactured Home Community*  
PWSID VA3175800

The following corrective actions must be implemented by Mr. Harvey Senger because the Fieldcrest Manufactured Home Community waterworks has been found to have the following significant deficiencies:

ADMINISTRATIVE DEFICIENCIES:

1. Failure to submit a Cross Connection Control Plan (CCCP).
2. Failure to submit a Bacteriological Sample Siting Report / Triggered Source Water Monitoring Plan (BSSR/TSWMP).
3. Failure to submit a Waterworks Business Operation Plan (WWBOP).
4. Failure to certify that an Emergency Management Plan (EMP) is in place for extended power outages.

MATERIAL DEFICIENCIES:

1. Unauthorized connection of an unapproved source.
2. Casing vent is not properly affixed to the well.
3. Hydropneumatic tank is waterlogged causing unstable system pressure.
4. Failure to inspect the pressure vessel.

CORRECTIVE ACTION REQUIREMENTS:

1. The owner is to discontinue the practice of connecting an unauthorized well to the system.
2. The documents described under administrative deficiencies must be submitted to V.D.H. – Office of Drinking Water.
3. A screened, downward facing casing cent must be properly affixed to the well.
4. Air leaks must be fixed and the hydropneumatic tank level must be optimized and maintained.
5. Fixed local resources for adding air must be added to facilitate maintaining optimal water levels. The air make-up system need not be automated; however, if manual air addition is elected the owner must submit a standard operating procedure (SOP) that describes how often the water levels will be inspected, procedures for adding air and documentation of the maintenance activity. The SOP must be adequate to optimally maintain tank levels.
6. The pressure vessel inspected must be inspected in order to obtain a safety certification from the Virginia Boiler Inspector's office. Contact the Virginia Boiler Inspector's office at (804) 786-3169 for more information on this program. A copy of the safety certificate is to be laminated and posted inside the associated well house.

The following corrective actions and schedules will be followed by the Fieldcrest Manufactured Home Community waterworks. As each action item is completed, the status will be reported in writing within 15 days of completion to:

VDH-Office of Drinking Water  
Southeast Virginia Field Office  
830 Southampton Avenue, Room 2058  
Norfolk, VA 23510

Mandatory response periods are:

ACTION ITEMS	START DATE	
Item 1	Immediately	May 24, 2013
Item 2	Immediately	June 17, 2013
Item 3	Immediately	July 1, 2013
Item 4	Immediately	July 1, 2013
Item 5	Immediately	July 1, 2013
Item 6	Immediately	August 1, 2013

The owner is reminded that the construction of this system does not meet the requirements of the *Waterworks Regulations* but the system may be accepted and permitted "as is" provided it continues to meet water quality standards and remains capable of consistently maintaining the minimum required pressure of 20 psi throughout the distribution system. Please be aware that maintaining current conditions by repairing and optimizing the hydropneumatic tank levels alone may not meet these requirements.

Given the existence of other water producing assets on the subject property, a more long-term strategic approach to maintaining the waterworks is advised. If it should be necessary or advantageous to modify, expand, or significantly change the system (such as by connecting well #3), such changes will require advanced approval, to ensure that the full requirements of the *Waterworks Regulations* are met. The *Waterworks Regulations* further require that plans and specifications submitted for review must be prepared by a professional engineer licensed to practice in the Commonwealth of Virginia.

I, Mr. Harvey Senger, agree to fully implement the above corrective actions to bring the Fieldcrest Manufactured Home Community waterworks into compliance with the Commonwealth of Virginia *Waterworks Regulations*.

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Waterworks Owner/Agent

Date

V.D.H. – Office of Drinking Water  
Southeast Virginia Field Office  
830Southampton Avenue, Room 2058  
Norfolk, VA 23410